IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMARY SUIT NO. 4919 OF 2000.

M/s.Weizmann Fincorp Limited
(formerly known as Kshitiz Leasing
and Finance Ltd. ... Plaintiff.

V/s.

Mr.Bhavesh Krishnakanth Ved
and another. ... Defendants.

Ms.nipa Pandya i/b. Mahesh Menon & Co.
for the plaintiff.

Arun D. Nagarjun for Kotangale & Co.
for the defendants.

CORAM : D.G. KARNIK, J.

DATED : 22nd February 2005.

P.C :

. Heard learned counsel for the plaintiff.

Mr.Arun D. Nagarjun appearing for the defendants

reports no instruction.

2. By an order dated 29th September, 2004 passed in Summons for Judgment No.135 of 2003 this Court granted conditional leave to the defendants to defend the suit subject to their depositing a sum of Rs.40,000/- in the Court. The defendants have not deposited the said sum. The plaintiff has produced on record certificate of non-deposit dated 23rd December 2004 issued by the Master and Assistant Prothonotary.

3. The plaintiff has also produced on record the original documents under a list. The suit is listed for ex-parte hearing under rule 224 of the Bombay High Court (Original Side) Rules.

4. The plaintiff gave on hire to the defendants a computer with printer which was valued at Rs.42,700/-. The defendants agreed to pay hire charges at the rate of Rs.2,349/- per month and issued 22 cheques mentioned at Exh.1 to the plaint. The cheques were dishonoured. Hence the plaintiff has filed suit for recovery of the value of the said installments.

5. The plaintiff has also filed on record copy of the police complaint regarding loss of the original cheques and copy of the certificate issued by the Police regarding registration of the complaint. The plaintiff has also filed on record original application for hire purchase made by the defendants and the bill regarding purchase of the computer.

6. In view of the fact that the defendants have not abided by the conditions of the conditional leave granted by this Court, the plaintiff is entitled to a decree under order 37 rule 3(6)(b) of Code of Civil Procedure, 1908. On perusal of the plaint and

documents produced by the plaintiff I see no reason not to grant decree in favour of the plaintiff. I, therefore, pass the following order:

O R D E R

. The suit of the plaintiff is decreed as follows:

. The defendants shall pay to the plaintiff a sum of Rs.50,470/- together with interest thereon at the rate of 9% per annum from the date of the suit till payment and all costs of the suit.

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